

UNITED STATES DISTRICT COURT
 for the
 Eastern District of Pennsylvania

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*

Case No. 22-mj-103

a DVD+R disc currently located with Homeland Security Investigations at 815 Washington Street, Reading, Pennsylvania containing the downloaded data of a LG Stylo cellular telephone in a black and orange protective case previously seized from ALEXANDER MALAVE

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

a DVD+R disc currently located with Homeland Security Investigations at 815 Washington Street, Reading, Pennsylvania containing the downloaded data of a LG Stylo cellular telephone in a black and orange protective case previously seized from ALEXANDER MALAVE, further described in Attachment A.

located in the Eastern District of Pennsylvania, there is now concealed (*identify the person or describe the property to be seized*):

Evidence, contraband, fruits and instrumentalities of a crime, further described in Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
 18 U.S.C. § 1591

Offense Description
 Trafficking in persons

The application is based on these facts: See attached affidavit.

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Joseph Snell

Applicant's signature

TFO Joseph Snell, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/24/2022

/s/ Richard A. Lloret

Judge's signature

City and state: Philadelphia, Pennsylvania

Hon. Richard A. Lloret, U.S. Magistrate Judge

Printed name and title

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a DVD+R disc, currently located with Homeland Security Investigations at 815 Washington Street, Reading, Pennsylvania, containing the downloaded data of a LG Stylo cellular telephone in a black and orange protective case previously seized from ALEXANDER MALAVE

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Pennsylvania
(identify the person or describe the property to be searched and give its location):

DVD+R disc, currently located with Homeland Security Investigations at 815 Washington Street, Reading, Pennsylvania, containing the downloaded data of a LG Stylo cellular telephone in a black and orange protective case previously seized from ALEXANDER MALAVE, further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

Evidence, contraband, fruits and instrumentalities of violations of 18 USC 1591, further described in Attachment B

YOU ARE COMMANDED to execute this warrant on or before February 7, 2022 *(not to exceed 14 days)*
 in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the duty magistrate.

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

for days *(not to exceed 30)* until, the facts justifying, the later specific date of _____.

Date and time issued: 1/24/2022; 4:51 p.m.

/s/ Richard A. Lloret

Judge's signature

City and state: Philadelphia, Pennsylvania

Hon. Richard A. Lloret, U.S. Magistrate Judge

Printed name and title

Return		
Case No.: 22-mj-103	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: _____		
<i>Executing officer's signature</i>		
_____ <i>Printed name and title</i>		

ATTACHMENT A

ITEM TO BE SEARCHED

The property to be searched is a DVD+R disc, currently located with Homeland Security Investigations at 815 Washington Street, Reading, Pennsylvania, in the Eastern District of Pennsylvania, containing the downloaded data of a LG Stylo cellular telephone in a black and orange protective case previously seized from ALEXANDER MALAVE, a/k/a "Buju," a/k/a "Ace," on November 28, 2018 ("SUBJECT CELLPHONE DISC").

ATTACHMENT B

ITEMS TO BE SEIZED

All data on the SUBJECT CELLPHONE DISC described in Attachment A that constitutes evidence of the commission of Title 18, United States Code, Section 1591 (sex trafficking in persons), including information pertaining to the following:

1. Evidence indicating how and when the cellular telephone was used to determine the chronological context of cellular telephone use, account access, and events relating to distribution of illegal drugs;
2. Evidence indicating the geographic location of the cellular telephone at times relevant to the investigation;
3. Evidence of user attribution showing who used or owned the cellular telephone at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;
4. Contents of telephone directories; electronic libraries; stored communications including voice mail, voice messages and text messages, contact lists, applications, reference material aiding in the furtherance of criminal activity; photographs; time and date stamps; Global Positioning System (GPS) data; stored internet searches; digital photographs; recorded videos, audio recordings, social media posts and accounts;
5. Any information recording schedule or travel; and
6. Any other memory feature relating to the offenses outlined in the affidavit of probable cause.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored,

including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Joseph Snell, being duly sworn, depose and state that:

INTRODUCTION

1. I, Joseph Snell, am a Criminal Investigator for the Reading Police Department (RPD) and a full-time Task Force Officer (TFO) for Homeland Security Investigations (HSI). I have been designated as a Customs Officer pursuant to 19 U.S.C. §1401(i) and am authorized to enforce all Customs and related laws, conduct searches, make seizures and arrests, and perform other law enforcement duties authorized by law. I graduated from the Reading Police Academy in August 2000 and was a police officer in the Commonwealth of Pennsylvania with the Robeson Township Police Department, Berks County, PA until January 2006, when I joined the RPD. As a TFO, I am currently assigned to the HSI Special Agent in Charge, Philadelphia, Pennsylvania office, and more specifically, to the Targeted Enforcement and Gang Group. In this capacity, I am charged with investigating violations of human trafficking, narcotics, money laundering and related crimes. I have received specific training in the collection of physical and digital evidence and have been certified in the use of mobile device recovery software through Cellebrite. I have attended the Pennsylvania State Police “A” Certification course and now am “A” Certified under the Pennsylvania Wiretap Act.

2. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other law enforcement officers and witnesses, review of recordings and documents and other evidence developed during the investigation. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Any observations not made by me, were made by other law enforcement officers involved in the investigation whom I know to be

reliable and trustworthy.

PURPOSE OF AFFIDAVIT

3. This affidavit is submitted pursuant to Rule 41 of the Federal Rules of Criminal Procedure in support of a warrant authorizing the search of a DVD+R disc, currently located with Homeland Security Investigations at 815 Washington Street, Reading, Pennsylvania, in the Eastern District of Pennsylvania, containing the downloaded data of a LG Stylo cellular telephone in a black and orange protective case previously seized from, and later returned to, ALEXANDER MALAVE, a/k/a “Buju,” a/k/a “Ace,” on November 28, 2018 (the “SUBJECT CELLPHONE DISC”), further described in Attachment A, to search for evidence, contraband, fruits and instrumentalities further described in Attachment B, of violations of Title 18, United States Code, Section 1591 (sex trafficking of a minor or by force, fraud or coercion).

4. This evidence relates to MALAVE’s involvement in “The Sevens,” a violent drug and human trafficking organization, which operates in Reading, Pennsylvania and the surrounding areas in Berks County. MALAVE is charged in a superseding indictment and pending trial, along with several other Sevens gang members, in the Eastern District of Pennsylvania (“EDPA”), scheduled for April 18, 2022, in Criminal Number 19-218-2. Specifically, and in summary, MALAVE is charged in his role as a member of the Sevens gang, with: conspiracy to participate in a racketeering enterprise (RICO conspiracy) in violation of 18 U.S.C. § 1962(d); conspiracy to commit sex trafficking by force, fraud, or coercion, and of a minor in violation of 18 U.S.C. §§ 1591 and 1594(c); violent crime in aid of racketeering (to include: kidnapping, assault with a dangerous weapon, and attempted murder) in violation of 18 U.S.C. §§ 1959(a)(1), 1959(a)(3), and 1959(a)(5); possession/use of a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c); and sex trafficking by force, fraud, or

coercion in violation of 18 U.S.C. § 1591(a),(b)(1). The evidence collected during the course of HSI's investigation of the Sevens established that MALAVE, also a member of the Bloods gang, is a co-founder and General of the Sevens who attended and sometimes led Sevens' meetings. He ensured gang rules were followed, by force when necessary, and through punishment by physical assaults when rules were violated. MALAVE recruited and attempted to recruit females for commercial sexual encounters, including minors and by force. This application seeks authorization to search the SUBJECT CELLPHONE DISC because, as detailed below, I submit probable cause exists to believe that there will be evidence of MALAVE's role in a conspiracy to commit sex trafficking and related offenses.

PROBABLE CAUSE

5. During the course of the charged conspiracy to commit sex trafficking, MALAVE and two co-conspirators are alleged to have recruited a victim to engage in commercial sex by means of force, fraud, and coercion. Specifically, law enforcement interviewed a victim ("Victim #6") on October 17, 2018, who stated that MALAVE forced Victim #6 to post nude photos in advertisements of herself on Backpage.com, a now defunct website that promoted commercial sex, and he threatened to stab Victim #6 if she did not engage in prostitution for the Sevens. MALAVE also forced Victim #6 to engage in sexual acts in exchange for money and then MALAVE and other co-conspirators withheld some of the money that Victim #6 was paid for the encounters.

6. MALAVE was arrested on November 28, 2018 pursuant to a Berks County arrest warrant for the aggravated assault of Ronald Johnson, in connection with the eventually-charged federal RICO conspiracy pending trial and the subject of the second superseding indictment described above. At the time of his arrest, MALAVE possessed the SUBJECT CELLPHONE

DISC – which he claimed, upon questioning by Reading Police, contained various stored “contacts” who could provide an alibi for MALAVE when the Johnson assault occurred on November 19, 2018. Upon gathering this information from MALAVE, law enforcement obtained a Berks County warrant to search the SUBJECT CELLPHONE DISC. The warrant was accompanied by an affidavit from Criminal Investigator (C.I.) Justin Uczynski of the Reading Police Department.

7. The affidavit specified that the SUBJECT CELLPHONE DISC was believed to contain evidence related to the “aggravated assault, simple assault, and false imprisonment of Ronald Johnson.” The affidavit provided a detailed account of the facts underlying the assault, including that Johnson identified “Buju” (MALAVE) as one of the assailants who took part in striking Johnson with a hammer about the head, face and body, prompting Johnson to jump out of a window of 125 S. 4th Street in Reading, in an attempt to reach relative safety. The affidavit went on to recount that the assault continued outside in the parking lot, where the assailants attempted to drag Johnson back inside the location to continue the beating. The affidavit stated that Johnson also identified MALAVES’ co-defendants Karvarise Person and other individuals respectively known as “Quiet” (co-defendant Savion Garcia) and “T,” who also took part in the assault. The affidavit continued that once MALAVE was arrested, he was advised of his *Miranda* rights, at which time he denied involvement in the crime and that “people saved in the contacts of his cellular telephone could provide him with an alibi.” Further, the affidavit provided C.I. Uczynski’s conclusion:

A search of MALAVES’s LG Stylo 4 cellular telephone will aid in this investigation by confirming the existence of contact numbers for [co-conspirators] that are saved within the handset. Identifying contact numbers for [co-conspirators] will aid this investigation by giving your Affiant the ability to confirm, or disprove MALAVE’s alibi for the date of this incident.

Conversely, a search of MALAVE's LG Stylo 4 cellular telephone will aid in this investigation by identifying communication between MALAVE and his co-defendants – Karvarise PERSON, 'Quiet' and 'T' – before, during, or after the assault of [Johnson] which occurred on November 19, 2018.

8. The warrant application sought authorization to search for:

[A]ll user generated data stored on the handset, SIM card and /or MicroSD card, including but not limited to phone ownership, brand, make & model, serial number, IMEI (International Mobile Equipment Identity), cellular service/network provider or carrier information, user/owner account information, calendars events, contact lists, SMS (short message service) & MMS (Multimedia messaging service), call log details, e-mail accounts, internet web browsing activity, GPS (Global Positioning System) information, IP (internet Protocol) Connections, user generated notes, user generated dictionaries, wireless network connections, sync files, voicemails, removable media storage cards (SD, microSD, etc.), SIM cards (Subscriber Identity Module), digital photographs, video files, audio files, purchased and deleted applications and their data, social networking data, all operating system files (database files), other electronic files, all deleted data.

In doing so, the affidavit explained the value of the contents generally stored in cellular phones that commonly assist investigators in obtaining relevant evidence related to "a person's whereabouts, their contact, call logs, dates and time stamps, sent messages, photos, videos, internet activity, etc." Further, the affidavit articulated that "[m]obile devices are not limited to any particular person or age" and that they "can have computer hardware, software, external cloud storage, as well as removable storage that may contain vital data" including "phone ownership, brand, make & model, serial number, cellular network provider/carrier information, user/owner account information" as well as contact lists, messages, emails, voicemails, images, video and audio files, among other stored data. The affidavit averred that this information amounts to evidence related to "recent communications history of a particular device can greatly aid in determining the relationship between the subject holder and associates, co-conspirators, third party witnesses and victims."

9. The affidavit also explained that "[s]earching digital storage devices and/or

mobile telephones utilizing a computer style file system to store, organize, retrieve, and display digital data in a human reading form for criminal evidence is a highly technical process requiring expert skills in a forensically sound environment[,]” which includes accessing ““hidden’, erased, compressed, password-protected, coded or encrypted files.” In light of these realities in searching mobile phones, the affidavit sought to search the entire SUBJECT CELLPHONE DISC for all data because it likely contained “some or all of the evidence described” for the purpose of “recovering any and all items of evidentiary value described in this warrant to assist the furtherance of this investigation.”

10. The warrant was issued on November 29, 2018 by Berks County Magisterial Judge Stuart Kennedy, and the contents of the SUBJECT CELLPHONE DISC were downloaded and secured as evidence. The data was stored on a disk, currently located at the Department of Homeland Security, and the handset itself was returned to MALAVE. To that end, a search of all data was necessary and permissible, and investigators were permitted to access all data to secure evidence of the crime under investigation – the aggravated assault of Ronald Johnson. The data from the SUBJECT CELLPHONE DISC was downloaded by CI Uczynski on November 29, 2018 and reviewed by investigators.

11. In searching the data extracted from the SUBJECT CELLPHONE DISC, law enforcement determined that the telephone number for the SUBJECT CELLPHONE DISC is 484-721-7547, and observed in plain view during the search communications and photos that were apparent evidence of crimes distinct from the aggravated assault that was the subject of the search warrant, including sex trafficking in furtherance of the Sevens gang activities.

12. For instance, your affiant examined cell phone number similarities between the SUBJECT CELLPHONE DISC and co-defendant MICHAEL DIAZ-WALKER’s cellphone

(seized separately from DIAZ-WALKER at a later date). The following information was found on both cellphones and corresponding to internet postings intended to promote prostitution:

- a. The stored contact for telephone number 929-317-7499 appeared in DIAZ-WALKER's cellphone listed as "Nomie" with a corresponding text message from "Nomie" to DIAZ-WALKER: "100/150/200" – based on training and experience in similar investigations, your affiant knows that these are prices for prostitution based upon different rates for sexual acts performed or length of time with a person engaged in commercial sex. This same number is listed in the SUBJECT CELLPHONE DISC under the contact name "KD."
- b. The telephone number 484-244-3820 is present in DIAZ-WALKER's cell phone, and also appears in the SUBJECT CELLPHONE DISC as the contact saved as "Tt". A search of the law enforcement tool "Spotlight" yielded 51 posts from that phone number on www.skipthegames.com (a website that exclusively caters to prostitution advertisements) from the date range of October 13, 2018 through December 12, 2018 under the name "Ebony".
- c. The telephone number 484-769-6921 is present in DIAZ-WALKER's cell phone, and also appears in the SUBJECT CELLPHONE DISC as the contact saved as "7" with a total of 109 call entries. This same number was used on www.skipthegames.com with the name of "Ebony" on two occasions on December 12, 2018.
- d. The telephone number 484-998-8433 appeared in DIAZ-WALKER's cellphone listed as "F". This same number is listed in the SUBJECT CELLPHONE DISC under the contact name "Bry", who your affiant knows to be former Sevens'

member and person engaged in prostitution named Bryanna Concepcion (deceased). Concepcion's criminal conduct included arranging commercial sexual encounters for Minor #2 and then providing MALAVE and co-conspirators KAVARISE PERSON and SHAQUILE NEWSON with the money the sex buyers paid to have sex with Minor #2. Several pertinent text message exchanges between the SUBJECT CELLPHONE DISC and Bryanna Concepcion (Bry) read as follows:

- **MALAVE: “Big mike on his way let k kno” (sent 11/17/2018 3:07:14 AM(UTC+0)).** Your affiant knows “Big Mike” to be co-defendant MICHAEL DIAZ-WALER and “K” to be co-defendant KARVARISE PERSON.
- **CONCEPCION: “Tell raw I'm in 223” (sent 11/21/2018 8:35:50 PM(UTC+0)).** Your affiant knows “223” to be a hotel room where Bryanna Concepcion was at the time the message was sent. Your affiant also knows “Raw” to be co-defendant SHAQUILLE NEWSON.
- **MALAVE: “We good on that i gotta pay some shit n grab wit raw n tema” (sent 11/15/2018 4:51:25 PM(UTC+0)).** Again, your affiant knows through this investigation that “Raw” is co-defendant SHAQUILLE NEWSON and while “Tema” is co-defendant FATIEMA BIVINS.

- e. Further, your affiant searched Concepcion's cellphone number (484-998-8433) through the law enforcement tool “Spotlight” and found 30 postings from that number on www.skipthegames.com. The listings ran through the date ranges of November 7, 2018 through November 26, 2018. Twenty-nine (29) of the postings listed “Latin Delight” which your affiant learned through an interview of Bryanna Concepcion that “Latin Delight” was her screen name on prostitution sites. Another listing on 11/7/18 had the title “All curves”. The female depicted in the ad had her face covered but TFO Snell knew through the tattoos on the female’s

body it was Naomi Hines.

f. The SUBJECT CELLPHONE DISC also contained a text message conversation between MALAVE and telephone number 484-219-1109, stored in the SUBJECT CELLPHONE DISC as “Olga.” Your affiant conducted a search of this telephone number and discovered that it is associated to a Facebook account for Olga Rivera-Millan (“RIVERA”), a woman your affiant knows to be a pimp, who arranged commercial sexual encounters for victims and posted online advertisements for commercial sex. On October 15, 2018, the SUBJECT CELLPHONE DISC had a text message conversation with RIVERA between 8:56:16 p.m. and 10:34:37 p.m. (UTC+0), discussing pricing and commercial sex acts that MALAVE and RIVERA were arranging for another victim who was sex trafficked by the Sevens:

MALAVE: she's charging her phone right now I'm about to get it from her phone then send it did you make the page yet

RIVERA: Got them

MALAVE: Ok wats up

RIVERA Need phone num n a stage name

MALAVE: Yolo [“you only live once”]

MALAVE: (484) 615-2939

RIVERA: Is it the same girl

RIVERA: How much u charge in for head

RIVERA: N how much u charging to fuck

MALAVE: 80 for 30 min

RIVERA: For both

RIVERA: For wat head

MALAVE: No 15min 80

MALAVE: N yea

RIVERA: Ok I got that

RIVERA: Now how much u charging to fuck her

RIVERA: N is she in to fetashes

MALAVE: Everything

RIVERA: Does she anal

MALAVE: No

RIVERA: Call me

RIVERA: On duo

MALAVE: Yolanndaaa@icloud.com

RIVERA: Send me her prices

RIVERA: How much to fuck

MALAVE: 15min80 30.120 1hr180

RIVERA: Let me get her password to email to activate the account

MALAVE: She don't know what it is

RIVERA: Ok I'm makin a page on google hold on

MALAVE: Ok

Your affiant knows through training and experience that pimps will often use associates, such as RIVERA, to post advertisements for prostitution and to field calls from potential clients in an attempt to disassociate themselves from the prostituted persons in the event the prostituted persons are encountered by law enforcement. Additionally, it is evident in the above-listed text

message conversation on the SUBJECT CELLPHONE DISC that MALAVE and RIVERA were negotiating the pricing and posting of the prostitution advertisements, but used an email address for the advertisement, in an attempt by MALAVE and RIVERA to separate themselves from the commercial sex acts. Your affiant also uncovered numerous prostitution advertisements on www.skipthegames.com with the victim, who was the subject of the text message conversation directly above, identifiable in the posted photographs by her face as well as her naked body. Indeed, your affiant submits that the text message conversation between MALAVE and RIVERA presents clear and obvious evidence of discussion about prostitution, including prices for sexual acts.

13. Accordingly, your affiant submits this application for a warrant to search the SUBJECT CELLPHONE DISC for evidence leading to MALAVE's sex trafficking and commercial sex activities in furtherance of the Sevens gang activities will assist in gathering pertinent evidence for trial against MALAVE and his associates. The collection of content viewed on the SUBJECT CELLPHONE DISC as authorized by the Berks County search warrant in 2018 has led to the apparent recovery of evidence beyond the aggravated assault that was the subject of the Berks County warrant; indeed, the evidence viewed by your affiant provided probable cause to believe that there will be evidence of other crimes involve conspiracy to commit sex trafficking and related offenses. There is clear evidence observed on the SUBJECT CELLPHONE DISC related to prostitution activities discussed between members of the Sevens gang and relating to known victims sex trafficked by the Sevens. The SUBJECT CELLPHONE DISC has remained in the custody of law enforcement since it was seized from MALAVE and the data downloaded that was subject of the Berks County search warrant remains preserved as evidence.

14. This warrant requests permission for law enforcement to search the SUBJECT CELLPHONE DISC, described in Attachment A, for the information described in further detail in Attachment B.

CONCLUSION

15. In conclusion, your affiant submits that there is sufficient probable cause for the issuance of a warrant to search the SUBJECT CELLPHONE DISC, described in Attachment A, for the evidence, contraband, fruits and instrumentalities described in Attachment B, for violations of Title 18, United States Code, Section 1591 (trafficking in persons).

I submit this application based upon my information and belief upon the facts set forth to the best of my knowledge.

Respectfully submitted,

/s/ Joseph Snell
Joseph Snell, Task Force Officer
Homeland Security Investigations

Sworn before me this 24th day of January, 2022.

/s/ Richard A. Lloret

HON. RICHARD A. LLORET
UNITED STATES MAGISTRATE JUDGE